

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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AMERICAN CIVIL LIBERTIES UNION, et al.
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Plaintiffs,
:

v.
:

ALBERTO R. GONZALES, in his official capacity as
ATTORNEY GENERAL OF THE UNITED STATES,
:

Defendant.
:
:
-----X

Civil Action No. 98-CV-5591

DECLARATION OF CHRISTOPHER R. HARRIS

I, the undersigned, CHRISTOPHER R. HARRIS, do hereby declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am a resident of New York City, New York and am a partner at the law firm of Latham & Watkins, LLP in New York, New York. We are of counsel to the American Civil Liberties Union Foundation in this action. I submit this declaration on the basis of my personal knowledge and review of the documents attached hereto.

2. This Declaration is submitted in support of the Plaintiffs' Opposition to Defendant's Motion to Dismiss.

3. Attached as Exhibit 1 hereto is a true and correct copy of Defendant's Supplemental Response to Plaintiffs' First Set of Contention Interrogatories, dated August 14, 2006.

4. Attached as Exhibit 2 hereto is a true and correct copy of an image from Defendant's Exhibit 48, entered into evidence in this matter on January 25, 1999.

5. Attached as Exhibit 3 hereto is a true and correct copy of Exhibit A to Plaintiffs' First Set of Contention Interrogatories.

6. Attached as Exhibit 4 hereto is a true and correct copy of Exhibit B to Plaintiffs' First Set of Contention Interrogatories.

7. Attached as Exhibit 5 hereto is a true and correct copy of Plaintiffs' Memorandum in Opposition to Defendant's Motion to Quash Plaintiffs' Notice of Deposition, March 3, 2006.

8. Attached as Exhibit 6 hereto is a true and correct copy of the Expert Rebuttal Report of Paul Mewett, July 6, 2006.

9. Attached as Exhibit 7 hereto is a true and correct copy of the Expert Report of Dr. Henry Reichman, dated May 8, 2006.

10. Attached as Exhibit 8 hereto is a true and correct copy of the Expert Report of Professor Edward Felten, dated May 8, 2006.

11. Attached as Exhibit 9 hereto is a true and correct copy of Plaintiffs' Amended Complaint for Declaratory and Injunctive Relief, dated December 8, 2004.

12. Attached as Exhibit 10 hereto is a true and correct copy of the web page resulting from entering <http://onlinebooks.library.upenn.edu/banned-books.html> in a web browser (last visited September 15, 2006).

13. Attached as Exhibit 11 hereto is a true and correct copy of the Declaration of Lawrence Ferlinghetti (in Support of Plaintiff's Motion for Temporary Restraining Order and Plaintiff's Motion for Preliminary Injunction), dated December 8, 1998.

14. Attached as Exhibit 12 hereto is a true and correct copy of the web page resulting from entering <http://www.amazon.com/gp/help/customer/display.html/104-8628231-3650313?ie=UTF8&nodeId=10197041> in a web browser (last visited September 15, 2006).

15. Attached as Exhibit 13 hereto is a true and correct copy of Lawrence Ferlinghetti's Responses and Objections to Defendant's First Set of Interrogatories, dated October 28, 2005.

16. Attached as Exhibit 14 hereto is a true and correct copy of the web page resulting from entering <http://citylights.com/poetry.html> in a web browser (last visited September 15, 2006).

17. Attached as Exhibit 15 hereto is a true and correct copy of the web page resulting from entering http://www.lorenwebster.net/In_a_Dark_Time/category/poets/lawrence-ferlinghetti/ in a web browser (last visited September 15, 2006).

18. Attached as Exhibit 16 hereto is a true and correct copy of Patricia Nell Warren's Responses and Objections to Defendant's First Set of Interrogatories, dated October 28, 2005.

19. Attached as Exhibit 17 hereto is a true and correct copy of the Declaration of Adam K. Glickman on Behalf of Addazi, Inc.d/b/a Condomania (in Support of Plaintiff's Motion for Temporary Restraining Order and Plaintiff's Motion for Preliminary Injunction), dated November 13, 1998.

20. Attached as Exhibit 18 hereto is a true and correct copy of Condomania's Responses and Objections to Defendant's First Set of Interrogatories, dated October 28, 2005.

21. Attached as Exhibit 19 hereto is a true and correct copy of the Deposition of Damon Hecker, dated December 30, 1998.

22. Attached as Exhibit 20 hereto is a true and correct copy of the web page resulting from entering <http://aspe.hhs.gov/hsp/05/abstinence/> in a web browser (last visited September 15, 2006).

23. Attached as Exhibit 21 hereto is a true and correct copy of the deposition of Heather Corinne Rearick, dated February 23, 2006.

24. Attached as Exhibit 22 hereto is a true and correct copy of Heather Corinne Rearick's Responses and Objections to Defendant's First Set of Interrogatories, dated October 28, 2005.

25. Attached as Exhibit 23 hereto is a true and correct copy of the web page resulting from entering <http://www.doaskdotell.com/content/bktxt97i.htm> in a web browser (last viewed on September 7, 2006).

26. Attached as Exhibit 24 hereto is a true and correct copy of the declaration of Bill Boushka, dated September 14, 2006.

27. Attached as Exhibit 25 hereto is a true and correct copy of the declaration of John Schwartz, dated September 14, 2006.

28. Attached as Exhibit 26 hereto is a true and correct copy of the web page resulting from entering <http://www.freespeech.org/videodb/index.php?search=tlc&action=search> in a web browser (last viewed on September 7, 2006).

29. Attached as Exhibit 27 hereto is a true and correct copy of the web page resulting from entering <http://www.freespeech.org/videodb/index.php?search=love+will+tear&action=search> in a web browser (last viewed on September 7, 2006).

30. Attached as Exhibit 28 hereto is a true and correct copy of the web page resulting from entering

http://www.freespeech.org/videodb/index.php?action=detail&video_id=9569&browse=0 in a web browser (last viewed on September 7, 2006).

31. Attached as Exhibit 29 hereto is a true and correct copy of the web page resulting from entering

http://www.freespeech.org/videodb/index.php?action=detail&video_id=9376&browse=0 in a web browser (last viewed on September 7, 2006).

32. Attached as Exhibit 30 hereto is a true and correct copy of Plaintiff Nerve's Interrogatory Responses, dated October 28, 2005.

33. Attached as Exhibit 31 hereto is a true and correct copy of the deposition of Rufus Griscom, dated February 21, 2006.

34. Attached as Exhibit 32 hereto is a true and correct copy of Plaintiff Urban Dictionary's Responses and Objections to Defendant's First Set of Interrogatories, dated October 28, 2005.

35. Attached as Exhibit 33 hereto is a true and correct copy of the web page resulting from entering <http://www.urbandictionary.com/define.php?term=pearl+necklace> in a web browser (last visited September 15, 2006).

36. Attached as Exhibit 34 hereto is a true and correct copy of the web page resulting from entering <http://www.urbandictionary.com/define.php?term=teabagging> in a web browser (last visited September 15, 2006).

37. Attached as Exhibit 35 hereto is a true and correct copy of Plaintiff Powell's Bookstore's Responses and Objections to Defendant's First Set of Interrogatories, dated October 28, 2005.

38. Attached as Exhibit 36 hereto is a true and correct copy of Plaintiff Salon's Responses and Objections to Defendant's First Set of Interrogatories, dated October 28, 2005.

39. Attached as Exhibit 37 hereto is a true and correct copy of the deposition of Joan Walsh, dated February 17, 2006.

40. Attached as Exhibit 38 hereto is a true and correct copy of the Memorandum filed February 1, 1999 (Doc. 121).

41. Attached as Exhibit 39 hereto is a true and correct copy of Plaintiff Sexual Health Network's Responses and Objections to Defendant's First Set of Interrogatories, dated October 28, 2005.

42. Attached as Exhibit 40 hereto is a true and correct copy of the deposition of Dr. Mitchell Tepper, dated February 16, 2006.

43. Attached as Exhibit 41 hereto is a true and correct copy of the declaration of Miriam Sontz, dated September 15, 2006.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 21st day of September, 2006.



Christopher R. Harris